REMARKS

Claims 1-31 are pending in the application.

Claims 3, 8-12, 13, 16-21, 23 and 25-31 are found to contain allowable subject matter.

Claims 7, 12, 19, 22-25 and 27 are objected to for minor informalities. Claims 7, 12, 19, 22-25 and 27 are amended to clarify the objected to matter. It is respectfully requested the objections be withdrawn.

Claims 14, 15 and 24 are canceled herein.

Claims 26 and 30 have been amended to independent form including the limitations of claim 14.

Claims 1, 2, and 6 have been amended in order to clarify the logical layer and transport layer. No new matter has been entered.

Claim 20 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 20 has been clarified by replacing "said combination" with "interface sections where a failure has occurred." In view of this clarification, it is respectfully requested this rejection be withdrawn.

Claims 1-2 and 4-5 are rejected under 35 U.S.C. § 103(a) as unpatentable over Semann and claims 6-7, 14-15, 22 and 24 are rejected as unpatentable over Semann in view of Shew et al.

In the previous Office Action, the Examiner did not agree with the previous argument because the Examiner believed most of the argument related to features not shown in the claims. For example, the communication path to substitute a transmission section is secured in a logical layer when a failure occurs in a transmission section. Applicant has clarified these features herein.

Semaan provides for a protection frame for frame relay (FR) traffic which a node generates to inform other nodes about a defect detected on a SONET ring. Semaan's protection frame includes a type of defect and a location of defect, wherein, upon receiving the protection frame, receiving nodes are informed as to the existence of the defect on the SONET ring. Semaan also teaches the use of protection tables for switching a working fiber link to a protection fiber link, wherein protection switching provides a method to re-establish FR traffic in spite of a detected failure on a SONET ring.

Figure 1 and column 2, lines 26-55 of the Semaan reference are argued, in the Office Action, as teaching such a limitation of a connectionless communication path, substituting a transmission section, being secured in a logical layer when a failure occurs in a transmission section. However the citations merely suggests that Semaan's figure 1 refers to the implementation of a frame relay (FR) protection method.

The citations in the Office Action further expands on the use of QoS in conjunction with Semaan's method and system. It is respectfully submitted that this is different from the limitation of a connectionless communication path, substituting a transmission section, being secured in a logical layer when a failure occurs in a transmission section. Hence, applicant contends that the Semaan reference fails to provide many of the limitations of independent claims 1 and 2.

The above-presented arguments with respect to independent claims 1 and 2 substantially apply to dependent claims 4 and 5, as they inherit all the limitations of the claims from which they depend.

Hence, applicant respectfully requests the examiner to withdraw the rejections with respect to claims 1, 2, 4, and 5.

Claims 6, 7, 14, 15, 22, 24, and 28 stand rejected as being unpatentable over Semaan in view of Shew et al. To be properly rejected under 35 U.S.C. § 103(a), each and every element of the claims must be addressed through known prior art or be recognized as an obvious variation thereof. Applicant contends that the combination of the Semaan and Shew references fail to provide many of the limitations of claims 6, 7, 22, 28. Claims 14, 15 and 24 have been cancelled herein.

As mentioned earlier, the Semaan reference teaches a protection frame for frame relay (FR) traffic which a node generates to inform other nodes about a defect detected on a SONET ring.

The Shew reference discloses a method of fault recovery for a network including the steps of establishing a physical topology for the network, aligning a logical topology for the network with the physical such that a router at an L1 cut-though path end point views an L1 cut-through as a next hop, and using a fault indication from the physical topology to effect fault recovery in the logical topology.

In contrast, applicant's claim 6 teaches an "alarm packet" which, when a failure occurs, is transmitted to other nodes via a transport label layer (for example see page 11, lines 4-8 and page 13, lines 16-11 of the application-as-filed). In the office action, the examiner equates applicant's "alarm packet" with that of Semaan's "protection frame". In column 1, lines 42-44 of the Semaan reference, "protection frame" is defined as a frame "for frame relay traffic which a node generates to inform other notes about a defect detected on a SONET ring."

Applicant contends that the "protection frame" of Semaan is not transmitted to other nodes via a transport label layer and, furthermore, the "protection frame" of the Semaan reference fails to indicate the interfacing section (interfacing the packet transmission equipment

with each redundantly configured simplex transmission paths in a physical layer) where the failure has been detected. Applicant wishes to note that the Shew reference, just as the Semaan reference, fails to teach the limitations of applicant's "alarm packet". Hence, applicant contends that the limitations of independent claim 6 are neither taught nor suggested by the combination of the Semaan and Shew references.

The above-presented arguments with respect to independent claim 6 substantially apply to dependent claims 7, 22, 28, and 30, as they inherit all the limitations of the claims from which they depend.

Hence, applicant respectfully requests the examiner to withdraw the rejections with respect to claims 6-7, 22, 28, and 30.

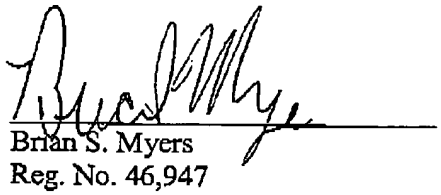
As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This amendment is being filed with a petition for extension. The Commissioner is hereby authorized to charge the petition fee, as well as any deficiencies in the fees provided to Deposit Account No. 50-1290.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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